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EXAMINER

SWERDLOW, DANIEL

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 06/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/314,243

Applicant(s)

VERBIN ET AL.

Examiner

Daniel Swerdlow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-25 and 28-32 is/are allowed.
- 6) ☒ Claim(s) 1-5, 11-13, 17-21, 26 and 27 is/are rejected.
- 7) ☒ Claim(s) 6-10 and 14-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Declaration Under 37 CFR 1.131***

1. The declaration filed on 4 April 2003 under 37 CFR 1.131 has been considered but is ineffective to overcome the reference to Balachandran et al. (US Patent 6,324,268).
2. The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Balachandran reference to either a constructive reduction to practice or an actual reduction to practice. The declaration makes reference to exhibits consisting of invoices for legal services. These exhibits were not included with the declaration.
3. The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Balachandran reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897). The declaration provides no evidence of conception of the claimed invention.

### ***General Remarks***

4. In the Remarks section of the amendment filed 4 April 2003, paper no. 7, applicant states on page 4 "Claim 19 has been cancelled without prejudice" and on page 7 "claim 19 has been cancelled". However, no statement canceling Claim 19 appears in the Amendments section, no indication of cancellation of Claim 19 appears in the Mark-up and Claim 19 continues to appear

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in an unamended state in the listing of Claims Pending. As such, Claim 19 continues to be pending in this application.

5. In the Remarks section of the amendment filed 4 April 2003, paper no. 7, applicant states on page 8 "Dependent claim 21 depends from amended independent claim 20". In the application filed on 18 May 1999, Claim 21 depends from Claim 19. Further, no amendment of Claim 21 appears in the Amendments section, no indication of amendment of Claim 21 appears in the Mark-up and Claim 21 continues to depend from Claim 19 in the listing of Claims Pending. As such, Claim 21 continues to depend from Claim 19.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1 through 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Balachandran et al. (US Patent 6,324,268).

8. Claim 1 claims a method for improving performance of a digital subscriber line comprising determining a status of a telephone hookswitch, determining whether retraining is indicated and determining whether power level adjustment is indicated. Balachandran discloses a digital subscriber line modem with improved throughput including determining the status of a telephone hookswitch (column 7, lines 45-46), determining whether retraining is indicated

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(column 8, lines 21-23) and determining whether power level adjustment is indicated (column 8, lines 21-23). Therefore Balachandran anticipates all elements of Claim 1.

9. Claim 2 claims the method of Claim 1 further comprising initiating a retraining routine and adjusting a power level. As stated above apropos of Claim 1, Balachandran anticipates all elements of that claim. In addition, Balachandran discloses initiating a retraining routine and adjusting a power level (column 8, lines 21-23). Therefore Balachandran anticipates all elements of Claim 2.

10. Claim 3 claims the method of Claim 2 wherein the step of determining whether retraining is indicated occurs in response to the step of determining hookswitch status. As stated above apropos of Claim 2, Balachandran anticipates all elements of that claim. In addition, Balachandran discloses initiating a retraining routine in response to a determination of voice call presence (column 8, lines 21-23) that is made by detecting hookswitch status (column 7, lines 45-46). Therefore Balachandran anticipates all elements of Claim 3.

11. Claim 4 claims the method of Claim 3 wherein the step of determining hookswitch status comprises determining whether hookswitch status has changed. As stated above apropos of Claim 3, Balachandran anticipates all elements of that claim. In addition, Balachandran discloses detection of changes in hookswitch status (column 7, lines 56-60 and 61-63). Therefore Balachandran anticipates all elements of Claim 4.

12. Claim 5 claims the method of Claim 3 further comprising determining whether a different modem configuration profile is appropriate and selecting the different modem profile. As stated above apropos of Claim 3, Balachandran anticipates all elements of that claim. In addition, Balachandran discloses determination and selection of a voice and data mode (column 9, lines

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39-45) or a data only mode (column 9, line 64 through column 10, line 2) which correspond to the different modem profiles. Therefore Balachandran anticipates all elements of Claim 5.

13. Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Takatori et al. (US Patent 6,229,855). Claim 19 claims a method for reducing distortion on digital subscriber line comprising performing a channel loss measurement on the line, determining a minimum required signal level and adjusting a signal level on the line to remain above the minimum level. Takatori discloses an adaptive transmitter for digital transmission that measures cable loss between the central office and the remote site (column 2, lines 37-39), and adjusts transmit power to a value that provides acceptable signal to noise ratio (column 7, lines 12-25). Therefore, Takatori anticipates all elements of Claim 19.

***Claim Rejections - 35 USC § 103***

14. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

15. Claims 11, 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balachandran in view of Sridhar et al. (US Patent 5,347,539).

16. Claim 11 claims a method for determining whether modem retraining is indicated comprising determining a status of a telephone hookswitch and performing an echo channel measurement procedure. As stated above apropos of Claim 1, Balachandran discloses a method for determining whether modem retraining is required comprising determining hookswitch status. Therefore, Balachandran anticipates all elements of Claim 11 with the exception of

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performing an echo channel measurement procedure. Sridhar discloses use of an echo channel measurement procedure (column 2, lines 16-35) for determining line characteristics. It would have been obvious to one skilled in the art at the time of the invention to apply echo channel measurement as taught by Sridhar to the method taught by Balachandran for the purpose of selecting data rate.

17. Claim 12 claims the method of Claim 11 further comprising determining a channel transfer function. As stated above apropos of Claim 11, the combination of Balachandran and Sridhar meets all elements of that claim. Therefore the combination is shown to meet all elements of Claim 12 with the exception of determining a channel transfer function. In addition, Sridhar discloses estimating signal characteristics of the communications media (column 2, lines 25-27) that corresponds to determining a channel transfer function. It would have been obvious to one skilled in the art at the time of the invention to apply estimating signal characteristics of the communications media as taught by Sridhar to the combination taught by Balachandran and Sridhar for the purpose of selecting data rate.

18. All elements of Claim 17 are comprehended by Claim 12. Therefore, Claim 17 is rejected for reasons stated above apropos of Claim 12.

19. Claims 13 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balachandran in view of Sridhar and further in view of Hamdi (US Patent 6,345,071).

20. Claim 13 claims the method of Claim 12 wherein determining hookswitch status comprises determining whether hookswitch status has changed and determining channel transfer function comprises determining whether channel transfer has changed. As stated above apropos

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of Claim 12, the combination of Balachandran and Sridhar meets all elements of that claim. Therefore the combination is shown to meet all elements of Claim 13 with the exception of determining hookswitch status comprising determining whether hookswitch status has changed and determining channel transfer function comprising determining whether channel transfer has changed. As stated above apropos of Claim 4, Balachandran discloses detection of changes in hookswitch status. Therefore the combination meets all elements of Claim 13 with the exception of determining channel transfer function comprising determining whether channel transfer has changed. Hamdi discloses monitoring communication characteristics on a transmission medium and retraining modems when a change in characteristics is detected (column 2, lines 30-44). It would have been obvious to one skilled in the art at the time of the invention to apply detection of change in characteristics of transmission medium as taught by Hamdi to the combination taught by Balachandran and Sridhar for the purpose of adapting modem parameters.

21. All elements of Claim 26 are comprehended by Claim 17 with the exception of determining if a channel response has changed. As stated above apropos of Claim 17, the combination of Balachandran and Sridhar meets all elements of that claim. Therefore, the combination meets all elements of Claim 26 with the exception of determining if a channel response has changed. As stated above apropos of Claim 13, Hamdi discloses monitoring communication characteristics on a transmission medium and retraining modems when a change in characteristics is detected (column 2, lines 30-44). It would have been obvious to one skilled in the art at the time of the invention to apply detection of change in characteristics of transmission medium as taught by Hamdi to the combination taught by Balachandran and Sridhar for the purpose of adapting modem parameters.



22. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Balachandran in view of Sridhar as applied to Claim 17 above, and further in view of Goldstein (US Patent 5,265,151) and further in view of Takatori, and further in view of Hamdi.

23. Claim 18 claims the method of Claim 17 wherein obtaining line quality information comprises obtaining an error rate, a noise margin and a change in noise margin. As stated above apropos of Claim 17, the combination of Balachandran and Sridhar meets all elements of that claim. Therefore, the combination meets all elements of Claim 18 with the exception of obtaining line quality information comprising obtaining an error rate, a noise margin and a change in noise margin. Goldstein discloses use of error rate as a measure of line quality (column 2, lines 46-49). It would have been obvious to one skilled in the art at the time of the invention to apply the use of error rate as taught by Goldstein to the combination taught by Balachandran and Sridhar for the purpose of measuring line quality. Therefore, the combination of Balachandran, Sridhar and Goldstein meets all elements of Claim 18 with the exception of obtaining line quality information comprising obtaining a noise margin and a change in noise margin. Takatori discloses use of noise margin as a measure of line quality (column 4, lines 37-40). It would have been obvious to one skilled in the art at the time of the invention to apply the use of error rate as taught by Takatori to the combination taught by Balachandran, Sridhar and Goldstein for the purpose of measuring line quality. Therefore, the combination meets all elements of Claim 18 with the exception of obtaining line quality information comprising a change in noise margin. As stated above apropos of Claim 13, Hamdi discloses monitoring communication characteristics on a transmission medium and retraining modems when a change

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in characteristics is detected. It would have been obvious to one skilled in the art at the time of the invention to apply detection of change in characteristics of transmission medium as taught by Hamdi to the combination taught by Balachandran, Sridhar, Goldstein and Takatori for the purpose of adapting modem parameters.

24. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takatori in view of Balachandran. Claim 20 is essentially similar to Claim 19 with the additional limitation of signal level adjustment occurring in response to a change in hookswitch state. As stated above apropos of Claim 19, Takatori anticipates all elements of that claim. Therefore, Takatori anticipates all elements of Claim 20 with the exception of signal level adjustment occurring in response to a change in hookswitch state. As stated above apropos of Claim 4, Balachandran discloses adjustment of modem parameters in response to change of hookswitch state. It would have been obvious to one skilled in the art at the time of the invention to apply modem parameter adjustment in response to hookswitch state change as taught by Balachandran to the transmitter taught by Takatori for the purpose of selectively compensating for voice communications.

25. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takatori in view of Nimmagadda. Claim 21 claims the method of Claim 19 wherein the step of adjusting signal level occurs according to a user selection from among multiple signal level settings. As stated above apropos of Claim 19, Takatori anticipates all elements of that claim. Therefore, Takatori anticipates all elements of Claim 21 with the exception of adjusting signal level according to a user selection from among multiple signal level settings. Nimmagadda discloses user selection

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of signal level (column 5, lines 7-11; column 15, lines 62-67). It would have been obvious to one skilled in the art at the time of the invention to apply user selection of signal level as taught by Nimmagadda to the transmitter taught by Takatori for the purpose of allowing the user to make the desired tradeoff between data rate and signal degradation.

26. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takatori in view of Goldstein and further in view of Bremer (US Patent 6,111,936). Claim 27 claims a method for controlling a transmit power level of a modem comprising activating the modem. Takatori discloses activation of a transceiver that corresponds to the modem claimed (column 4, lines 37-40). Claim 27 further claims the method comprises measuring a noise margin. Takatori discloses measuring a noise margin (column 4, lines 37-40). Claim 27 further claims the method comprises comparing the noise margin to a noise margin threshold. Takatori discloses an SNR detector that determines if the SNR is too high (i.e., compares the noise margin to a threshold) (column 5, lines 21-23). Claim 27 further claims the method comprises saving the transmit power level if the noise margin does not exceed a threshold, otherwise decreasing transmit power. Takatori discloses decreasing transmit power level only if SNR is too high (column 5, lines 24-27). Claim 27 further claims the method comprises counting errors during a time interval, comparing the number of errors to an error threshold, saving the transmit power level if the number of errors does not exceed a threshold, otherwise decreasing the transmit power level and indicating a need to install an inline filter if the noise margin does not exceed the threshold. Therefore, Takatori teaches all elements of Claim 27 with the exception of the method comprising counting errors during a time interval, comparing the number of errors to an error

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threshold, saving the transmit power level if the number of errors does not exceed a threshold, otherwise decreasing the transmit power level and indicating a need to install an inline filter if the noise margin does not exceed the threshold. Goldstein discloses determining an error rate (i.e., counting the number of errors during a time interval) (column 2, lines 46-49) and reducing the power of the transmitted signal if the error rate is too high (column 2, lines 22-26). It would have been obvious to one skilled in the art at the time of the invention to apply error rate measurement and power adjustment as taught by Goldstein to the transmitter taught by Takatori for the purpose of ensuring a desired level of data throughput. Therefore, the combination of Takatori and Goldstein makes obvious all elements of Claim 27 with the exception of indicating a need to install an inline filter if the noise margin does not exceed the threshold. Bremer discloses a DSL device that indicates (i.e., determines) the need to add (i.e., install) a phone (i.e., inline) filter based on a comparison of signal and distortion (i.e., noise margin) (column 9, lines 14-21). It would have been obvious to one skilled in the art at the time of the invention to apply filter requirement determination as taught by Bremer to the combination made obvious by Takatori and Goldstein for the purpose of avoiding unnecessary use of phone filters.

***Allowable Subject Matter***

27. Claims 6 through 10 and 14 through 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

28. The following is a statement of reasons for the indication of allowable subject matter:

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29. Claim 6 claims the method of Claim 1 further comprising determining whether an inline filter is installed. As stated above apropos of Claim 1, Balachandran anticipates all elements of that claim. Therefore, Balachandran anticipates all elements of Claim 6 with the exception of determining whether an inline filter is installed. While prior art discloses varying the modem profile of a DSL modem according to the hook state of the POTS line that shares a loop with the DSL service, prior art fails to disclose or make obvious the detection of inline filters on the POTS devices and setting the modem profile accordingly. Therefore Claim 6 is allowable matter.

30. Claims 7 through 10 are allowable matter due to dependency from Claim 6.

31. Claim 14 claims the method of Claim 11 wherein echo channel measurement comprises scheduling a time frame for the measurement procedure, acknowledging the scheduling, discontinuing transmission by a first modem, initiating transmission of an echo testing signal by a second modem and measuring the echo testing signal. As stated above apropos of Claim 11, the combination of Balachandran and Sridhar meets all elements of that claim. In addition, the echo testing disclosed by Sridhar includes initiating transmission of an echo testing signal and measuring the echo testing signal with one modem discontinuing transmission while the other modem initiates and measures an echo signal (column 10, lines 5-12). Therefore the combination meets all elements of Claim 14 with the exception of scheduling a time frame for the measurement procedure and acknowledging the scheduling. However, Sridhar does not disclose the scheduling and acknowledgement of scheduling for the echo measurement. As such, the prior art fails to disclose or make obvious the scheduling and acknowledgement of scheduling for the echo measurement. Therefore, Claim 14 is allowable matter.

32. Claims 15 and 16 are allowable matter due to dependency from Claim 14.

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33. Claims 22 through 25 and 28 through 32 are allowed.

34. The following is an examiner's statement of reasons for allowance:

35. Claim 22 claims a method for estimating telephone hookswitch status comprising periodically initiating detection routines, determining whether a change in modem performance has occurred and characterizing the change in modem performance as an indication of change in hookswitch status. Prior art discloses a variety of methods of determining a change in hookswitch status. Ko et al. (US Patent 6,151,335) discloses detecting changes in hookswitch status by detecting change in line current, load impedance or channel transmission characteristic. However, Ko fails to disclose or make obvious the use of modem performance as an indication of hookswitch status. As such, the prior art fails to disclose or make obvious the characterizing the change in modem performance as an indication of change in hookswitch status. Therefore, Claim 22 is allowable matter.

36. Claim 23 claims a method for controlling a modem comprising detecting a hookswitch state and a presence of an inline filter and optimizing modem parameters based on the hookswitch state and inline filter presence. As stated above apropos of Claim 1, Balachandran discloses detecting a hookswitch state and optimizing modem parameters based on the hookswitch state. Therefore Balachandran discloses all elements of Claim 23 with the exception of detecting a presence of an inline filter and optimizing modem parameters based on the inline filter presence. As such, the prior art fails to disclose or make obvious detecting a presence of an inline filter and optimizing modem parameters based on the inline filter presence. Therefore Claim 23 is allowable.

37. Claims 24 and 25 are allowable due to dependency from Claim 23.

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38. Claim 28 claims a method for controlling a modem transmission while equipment is in an off hook state comprising determining the off-hook state by detecting operational changes in a DSL modem, determining if modem transmission is allowed during an off hook state and setting a minimum power per carrier to support a minimum pre-defined data rate with a minimum predefined noise margin. Nimmagadda (US Patent 6,426,961) discloses a method for selection of mode of operation in a DSL system comprising determining the off-hook state (column 13, lines 2-7), determining if a request for data service will be put into a wait mode if voice service is in use (column 5, lines 7-11) and utilizing a low power mode of data operation that inherently includes a minimum power level in support of a minimum data rate with a minimum noise margin (column 5, lines 9-11). Therefore Nimmagadda anticipates all elements of Claim 28 with the exception of determining the off-hook state by detecting operational changes in a DSL modem. Instead, Nimmagadda discloses determining the off-hook state by voltage detection. As such, the prior art fails to anticipate or make obvious the determination of off-hook state by determining operational changes (e. g., error rate) in a DSL modem. Therefore, Claim 28 is allowable.

39. Claims 29 through 32 are allowable due to dependency from Claim 28.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Response to Arguments***

40. Applicant's arguments with respect to Claims 1 and 11 and claims dependent therefrom have been considered but are moot in view of the ineffectiveness of the declaration under 37 CFR 1.131.

41. Applicant's arguments with respect to Claims 20 and 21 have been fully considered but they are not persuasive. The amendment to Claim 20 presents the claim in independent form by incorporating the limitations of Claim 19, from which Claim 20 depended before amendment. Claim 20 is not otherwise changed. Applicant alleges that Claim 20 is allowable because Takatori does not disclose adjustment in response to change of hook switch state. Examiner respectfully disagrees. As stated above under *Claim Rejections - 35 USC § 103*, this teaching is provided by Balachandran. Applicant alleges that Claim 21 is allowable due to dependence from Claim 20. As stated above, Claim 20 is not allowable. Further, as stated above under *General Remarks*, Claim 21 depends from Claim 19.

42. Applicant's arguments with respect to Claim 27 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

43. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**



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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Swerdlow whose telephone number is 703-305-4088. The examiner can normally be reached on Monday through Friday between 8:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forrester Isen can be reached on 703-305-4386. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

ds  
June 4, 2003

  
FORESTER W. ISEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600